

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

AS'SALAAM KINTE WILSON,

Plaintiff

v.

C.O. ERIC BUFALINO, et al.,

Defendants

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CIVIL NO. 3:CV-07-884

(Judge Kosik)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

_____ Plaintiff is an inmate confined at the Luzerne County Correctional Facility (“LCCF”), Pennsylvania. Pending is his civil rights action filed pursuant to 42 U.S.C. § 1983 on May 16, 2007. Defendants, two correctional officers at LCCF, filed an answer to the complaint and thereafter served discovery requests on Plaintiff in October of 2007. To date, Plaintiff has failed to respond to both the discovery requests and a subsequent motion to compel filed by Defendants. He has also failed to respond to an order issued by the court directing him to respond to the motion to compel. Due to Plaintiff’s failure to respond, the court issued an order on August 1, 2008, directing Plaintiff to respond to Defendants’ motion to compel within ten (10) days. He was warned that his failure to do so would result in the dismissal of this

action for failure to prosecute/failure to comply with a court order pursuant to Fed. R. Civ. P. 41(b).

The relevant time period has passed, and Plaintiff has neither responded to Defendants' motion or the court's order, or sought an enlargement of time within which to do so. As such, this action will be dismissed for failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b) ("For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or any claim against the defendant."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (interpreting Federal Rule of Civil Procedure 41(b) as permitting sua sponte dismissals by the court).

ACCORDINGLY, THIS 19th DAY OF AUGUST, 2008, IT IS HEREBY ORDERED THAT:

1. Plaintiff's action is **DISMISSED**, with prejudice, for failure to comply with a court order pursuant to Fed. R. Civ. P. 41(b).
2. The Clerk of Court is directed to mark this matter **CLOSED**.

s/EDWIN M. KOSIK
United States District Judge